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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 503/2021

MRS. SHOBHITA KATHPALIA Plaintiff

Through: Mr. Ekansh Gupta, Adv.

versus

MR. VIRINDER KUMAR MEHTA & ORS.

.....Defendants

Through: Mr. Sachin Rai, Adv. for D-1
D-3/Mr. Aman Mehta in person
for himself as well as Attorney
for D-2 (joined through VC)
Mr. Simran Makhija, Adv. for D-4
to 6 (Mob.9810043363)
Mr. Anshul Gupta, Adv. for D-7
Mr. J. Talukdar, Adv. for D-8
Mr. Ankur Singhal, Adv. for D-9

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. PRIYA MAHENDRA, (DHJS)

ORDER

% 23.07.2024

IA 3265/2024 (Application u/S. 5 Limitation Act filed by defendant no. 1 for condonation of delay in filing Written Statement to the counter claim CC No. 21/2022)

IA 3268/2024 (Application u/S. 5 Limitation Act filed by defendant no. 1 for condonation of delay in filing reply to the application of plaintiff u/O XXXIX Rule 1 and 2 CPC i.e. IA 13619/2021)

1. The applicant/defendant no.1 has not complied with the last order dated 03.04.2024 directing him to supply copy of the captioned IAs to learned counsel for the parties for which no plausible explanation is furnished by learned counsel for the applicant today. So, cost of Rs.1000/- is imposed upon defendant no.1 to be deposited with Delhi High Court Legal Services Committee and now last and final opportunity is granted to the applicant to comply the last order dated 03.04.2024.

2. Thereafter, reply, if any, to the captioned IAs be



filed by non-applicants within two weeks thereafter with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

Re-notify the captioned IAs for completion of pleadings on the next date of hearing.

CS(OS) 503/2021

3. As per office note, amended Written Statement filed by defendant no.8 is on record. The same is taken on record.

4. Further, as per office note, the defendant no.1 has re-filed the Written Statement. The same is on record. At this stage, it is stated by learned counsel for the defendant no.1 that it is the amended Written Statement and inadvertently stated as only Written Statement. He is directed to file appropriate application in this regard. It is stated by learned counsel for the plaintiff that he has no objection, if amended Written Statement filed by defendant no.1 is taken on record.

5. It is stated by learned counsel for the defendant no.1 that there is *inter se* disputes between the defendants also and that defendant no.8 may be directed to supply copy of amended Written Statement to him. So, the defendant no.8 is directed to supply copy of amended Written Statement to learned counsel for the defendant no.1 and other defendants within two days through email.

6. It is stated by learned counsel for the defendant no.7 that he does not wish to file amended Written Statement and will rely on his previous Written Statement filed on behalf of defendant no.7.



7. The defendant no.9 has not filed any amended Written Statement till date. Learned counsel for the defendant no.9 seeks some time to file the same. Needless to say, Amended Written Statement filed by defendant no.9 shall be made part of the record as per law.

8. At this stage, it is stated by defendant no.3, who is also power of attorney of defendant no.2 that he has filed a common amended Written Statement on behalf of defendant no.2&3. The same is already on record.

9. As per record, Written Statement to the Amended plaint filed by defendant no. 4 to 6 is also on record.

10. Learned counsel for the plaintiff seeks some time to file separate Replication to common amended Written Statement filed by defendant no.2&3 and for amended Written Statement of defendant no.4 to 6. He submits that he will move an appropriate application seeking condonation of delay in filing Replication. Needless to say, Replication, if any, filed by plaintiff to amended Written Statement of defendant no.2&3 and for defendant no.4 to 6 shall be made part of the record as per law.

11. It is stated by learned counsel for the plaintiff that he has received different versions of amended Written Statement filed by defendant no.1 & defendant no.8 and that defendant no.1&defendant no.8 may be directed to supply the final copy of amended Written Statement filed by them. So, the defendant no.1 and defendant no.8 are directed to supply the final copy of amended Written Statement to learned counsel for the plaintiff within two days through email. On receipt of same, the plaintiff is directed to file Replication to the same within stipulated



period as prescribed by law with copy to the opposite side.

12. It is stated by learned counsels for the parties that the mediation proceedings are underway between the parties before the Mediation & Conciliation Centre, Delhi High Court.

Re-notify the matter for reporting of settlement, if any, or in the alternative for completion of pleadings on 09.10.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)

JULY 23, 2024/ab

Click here to check corrigendum, if any